

MINUTES
Warrenton City Commission
January 12, 2021
6:00 p.m.
Warrenton Community Center
170 SW 3rd.
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Tom Dyer, Mark Baldwin, Rick Newton, and Gerald Poe

Staff Present: City Manager Linda Engbretson, Police Chief Mathew Workman, Fire Chief Brain Alsbury, Community Development Director Scott Hess, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Finance Director April Clark, Community Library Director Kelly Knudsen (Via Zoom), Harbormaster Jane Sweet, Planning Consultant Mark Barnes, and City Recorder Dawne Shaw

OATHS OF OFFICE

Gerald Poe was sworn into office for City Commissioner, Position No. 1; Mark Baldwin was sworn into office for City Commissioner, Position No. 2 and Thomas Dyer was sworn into office for City Commissioner, Position No. 3, by City Recorder, Dawne Shaw.

SELECTION OF MAYOR PRO TEM

Per City Charter, the Mayor Pro Tem is selected by ballot by the Commission at its first meeting each calendar year. City Recorder Dawne Shaw read aloud the cast ballots.

Mayor Balensifer voted for Commissioner Dyer
Commissioner Poe voted for Commissioner Dyer
Commissioner Baldwin voted for Commissioner Dyer
Commissioner Dyer voted for Commissioner Dyer
Commissioner Newton voted for Commissioner Dyer

By unanimous vote, Commissioner Dyer was elected Mayor Pro Tem for calendar year 2021.

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 12.08.20
- B. Police Department Monthly Statistics – November 2020
- C. Parks Advisory Board Meeting Minutes – 10.12.20
- D. Parks Advisory Board Special Budget Meeting Minutes – 11.09.20

- E. Liquor License Application – South Jetty Inn
- F. Monthly Finance Report – November 2020
- G. Fire Department Annual Activity Report

Mayor Balensifer requested Fire Chief Alsbury to speak on the Fire Department activity report. Chief Alsbury stated he chose to focus the report on the good the department has done. He reviewed the details of the report. Mayor Balensifer applauded the work Chief Alsbury has done with the department. Commissioner Newton agreed that what he has done is miraculous. Brief discussion followed.

Commissioner Baldwin made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe - aye

COMMISSIONER REPORTS

Commissioner Newton stated he will be submitting his notes from the PSCC meeting and gave brief details. He also discussed the downtown art project, noting the art cannot be placed until people can gather together safely to celebrate.

Commissioner Dyer welcomed everyone and noted it is nice to see new people in attendance.

Commissioner Poe thanked the community for electing him and stated he will do a good job.

Mayor Balensifer asked for unanimous consent to rearrange the agenda to place discussion item 10.A after Public Comment; there were no objections.

PUBLIC COMMENT - Marissa Lauren spoke in regard to Homestay Lodging and Vacation Rentals. She stated she had applied for a vacation rental and was approved. She proceeded to put \$15,000 into renovations and was then notified she was no longer eligible due to the municipal code, and the approval was rescinded. She asked the commission to visit that to figure out how she can be in compliance. She noted it is urgent for financial reasons. Mayor Balensifer explained the process and the grace period the city had for vacation rentals. He stated he will keep her comments in mind when this topic is discussed later in the agenda.

10.A - Parks Advisory Board Chair Sarah Long briefly outlined the board's proposals for fund raising. Mayor Balensifer noted for the record that the Parks Board has done a phenomenal amount of work and has been one of the most productive boards over the last 2 years and thanked them for their work. Commissioner Newton spoke about the parks board minutes on the consent calendar, pointing out that the minutes state he said he would be able to find funding for the splash pad. He clarified that he thinks he can find funding but is not certain. Ms. Long continued to review the board's proposals and stated fund-raising events was a priority for the board, highlighting the suggestion of tournaments in the park, such as a cornhole tournament. Brief discussion continued. Ms. Long stated maintenance of the parks is a main priority for the board.

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PUBLIC HEARING

Mayor Balensifer opened the Public Hearing on the Amendment to Warrenton Municipal Code 16.208.050.H, Appeals of Type III Quasi-Judicial Decisions. Formalities followed and no conflicts of interest or ex parte contacts were reported. Planning Consultant Mark Barnes reviewed his staff report. He stated the amendment was initiated by the City Manager and explained the amendment would allow staff to appeal decisions. He noted it does not change the right to appeal for any other party. He stated the Planning Commission unanimously voted to not approve this amendment. Mr. Barnes noted in his time as a planning director, he has never seen anyone appeal, so it would sit in the code and most likely not be used. Commissioner Newton asked about what kind of situation would warrant an appeal to a Planning Commission decision. Mayor Balensifer explained this came about due to the Wendy's drive-thru decision; and that a staff member should be able to speak out on the matter. He also noted the code has not always been applied consistently. He noted past issues and stated this would be a check and balance that history proves is needed in Warrenton. Mayor Balensifer asked for public comments. No one spoke in favor. Planning Commission Chair Paul Mitchell spoke in opposition to the proposed amendment. He stated he is not necessarily in opposition; he is speaking on behalf of the planning commission. He stated he would like to make it very clear that they have no doubt the city manager would do nothing but what would be right for the city. We come from a place over the past couple of years as a commission, where we have felt like we have had an ongoing relationship with a former planning director that lacked a certain amount of trust. Mr. Mitchell stated they feel very confident with current staff, but they also feel very strongly that if you do not trust us based on the information they are receiving from staff, and then make changes, why have a Planning Commission. He suggested a joint meeting with the City Commission. Ms. Engbretson assured the Planning Commission that she is not looking for a power grab, but staff is not perfect, and in this particular situation there was no path to remedy the situation. If there is a fatal flaw, this would give us an opportunity to bring it forward. There being no further comments, Mayor Balensifer closed the public hearing. Commissioner Baldwin stated he understands the thought behind the amendment and is not opposed to it. He also understands Mr. Mitchell's stance on the matter. Commissioner Dyer stated he likes it but would like it to then go back to the Planning Commission for further deliberation and decision. Mayor Balensifer noted for the record – the City Commission decision can be to remand it back to the Planning Commission. Mr. Barnes noted that with remanding it back to the Planning Commission you would be up against the 120-day timeline it is often a factor. Commissioner Dyer stated he has faith in the Planning Commission; Commissioner Newton sees it as a safety valve. Mayor Balensifer stated he is also in favor if it, noting it was advised through legal counsel. He also noted this is for Type III decisions. He stated that he would be in favor of altering the ordinance to include Type II to this process. Commissioner Baldwin noted his concerns on adding Type II. Mayor Balensifer stated the joint session with the Planning Commission will be soon; there was consensus to have staff bring up Type II at the joint session. Brief discussion continued.

Commissioner Baldwin made the motion to conduct the first reading, by title only, of Ordinance No. 1247. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe - aye

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Mayor Balensifer conducted the first reading, by title only; *Ordinance No. 1247; An Ordinance Amending Warrenton Municipal Code Title 16, Development Code, Division 4, Applications and Review Procedures, Chapter 16.208, Types of Application and Review Procedures, Section 16.208.050, Type III Procedure*

BUSINESS ITEMS

Paul Nielson of Isler CPA (via Zoom) presented the financial statements and audit results for the period ending June 30, 2020. He reviewed his slide presentation. Commissioner Newton asked what the minimum number of days is a city needs in the ending fund balance. Mr. Nielson stated a minimum of 3 months/a max of 6 months. He stated there were no areas of concern. Brief discussion followed.

Community Library Director Kelly Knudsen presented an MOU for cooperation in the provision of library services. She noted the MOU has been updated for the ROCC library cards for youth in the outskirts of city limits; she noted the time frame adjusted to 5 years. Mayor Balensifer asked how the library use has been through the pandemic. Ms. Knudsen stated since just the drive thru has been open, it has been very busy/steady. There has been a big increase on holds and check outs. She will present an activity report at the next meeting.

Commissioner Dyer made the motion to authorize the Mayor's signature on the Memorandum of Understanding between Clatsop County and the cities of Astoria, Seaside and Warrenton for cooperation in the provision of library services. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe – aye

Harbormaster Jane Sweet discussed a request to extend the Hammond Marina dredging contract with Bergerson Construction. She gave a brief progress report on the status of the dredging, noting that basically half of the dredge project is done. She noted that because of the start delay an extension is needed for completion. The extension would include to dredging window of November 1, 2021 – December 31, 2021. Mayor Balensifer asked about the docks being cordoned off; Ms. Sweet stated it was for safety reasons due to high tides. Ms. Engbretson reminded the commission that the permit is for 5 years. The city had requested permission to go into the work window of Jan - Feb 2020 and it was declined. It was noted there is no increase in cost for the extension.

Commissioner Baldwin made the motion to extend the contract allowing for Bergerson Construction to continue dredging for the 2021 dredging season, starting November 1, 2021 – December 31, 2021, by authorizing the Mayor's signature on Change Order No. 1. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe – aye

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City Manager Linda Engbretson explained the License to Occupy (LTO); noting the commission held a discussion that staff should have the authority to administratively approve an LTO. She stated the discussion was minimal and there was no formal action and thus not recorded in the minutes. Ms. Engbretson noted the attached LTO was signed by the City Manager under emergency consideration. The old Dooger's building sits within a portion of the right of way and they have been trying to correct this issue. To satisfy the pending investment/ownership of the building, as well as the current property owner's wishes to rectify this portion of right of way that was previously believed to have been vacated, staff worked with the property manager and legal counsel to address issues and move forward with the LTO. She stated the property owners will be submitting a street vacation petition soon. Ms. Engbretson recommended the commission formally authorize staff to perform administrative review and approve LTOs.

Commissioner Dyer made the motion to authorize the City Manager or designee to approve encroachment permits and/or a License to Occupy containing right to return to public right of way language. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe – aye

Commissioner Baldwin confirm the existing LTO granted by the city manager for Atlas...

Mayor Balensifer noted his nominations for the Warrenton Community Library Board.

Commissioner Dyer made the motion to appoint Eileen Purcell to Position No. 4, and Karyn Grass to Position No. 5 on the Warrenton Community Library Board. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe – aye

Resolution No. 2585 was submitted to confirm the appointments and set the terms of office for the newly appointed Library Board members, and to correct term dates that were previously listed in error. Resolution No. 2586 was also submitted for approval to correct term dates on the Parks Advisory Board. It a recently discovered that the term dates on both boards have been incorrect for several years.

Commissioner Baldwin made the motion to adopt Resolution No. 2585; Authorizing Appointments on the Warrenton Community Library Board and Setting Terms of Office, and Correcting Term End Dates. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe – aye

Mayor asked for consent to amend Resolution No. 2586, to switch positions 2 & 3, as Ron Dyer specifically requested a 1-year term; there were no objections.

Commissioner Newton made the motion to adopt Resolution No. 2586; Correcting Term End Dates on the Parks Advisory Board, as amended. Motion was seconded and passed unanimously.

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Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe – aye

Public Works Director Collin Stelzig explained that NW Natural is requesting a 5-foot gas pipeline easement for Highlife Adventures. The easement is just north of the 100' exclusive Pacific Power Easement on tax lot 81027DD02100 in Forest Rim. NW Natural has agreed to provide the city with all requested recordings, surveys, permits fees and as-builts for their project at no cost to the city. Ms. Engbretson noted this is a letter of intent, not the formal easement. She requested the commission authorize the mayor's signature on the easement, so we do not have to bring it back to the commission.

Commissioner Baldwin made the motion to accept the agreement to proceed with the NW Natural utility easement, and to authorize the mayor's signature to execute the easement once it is formalized. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe - aye

DISCUSSION ITEMS

Mayor Balensifer noted the public comment received from Birchard Kelley regarding the roadway improvements to N. Main Avenue and NW 7th Place. Mr. Stelzig addressed Mr. Kelley's public comment for the record; he stated the decision on which side the sidewalks will be on has not been made - it will be decided when we get into design. He also stated building over the current ditches would likely be more expensive, but there will be improvements to storm drainage anyway, so they will look at it at that time. Once the city gets into the design process these decisions can be made. Mr. Stelzig presented his staff report on the public outreach results on roadway improvements to N. Main Avenue and NW 7th Place. His recommendation is for a 28' wide street with sidewalks on one side. The estimated cost is \$1.8 million; Mr. Stelzig stated the city would need to look for additional funds to do this project. Mayor Balensifer noted we could do it in phases and stated it would be nice to hold the presentation - to do a zoom meeting for that specific community. After brief discussion, the consensus was to have a 28' road with a sidewalk on one side. Further discussion continued; the cost of the project was noted, and suggestions were made to do the project in sections, or in phases - by 7th and N. Main, not sectioned. Other suggestions discussed were to find the money and do it all, or if we must leave something out – leave out the sidewalks and curbs until later. Ms. Engbretson suggested making it priority of the budget each year. Consensus was to do all underground utility work and then do the surface work, sidewalks, and culverts. It was noted this would also include connecting residents to the pressure sewer.

Community Development Director Scott Hess discussed Homestay Lodging Ordinance updates; noting staff is looking for direction. He stated there is a hole in code and explained the error he made in approving a vacation rental due to lack of clarification. He stated it needs to be made clear in the code. Mayor Balensifer explained the prior commission decision on vacation rentals for Mr. Hess' benefit. He noted he is fine with granting that grandfather status to include Ms. Lauren due to our error. There was consensus to reinstate her approval. Commission consensus is that vacation rentals are permitted in commercial zones, not residential zones; homestay lodging

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is a permitted use in any and all residential zones, as long as the owner lives on site. Approvals are rescinded upon sale of the property.

Mayor Balensifer presented his amended draft Rules of Procedure, which would provide a standardized manual for the fair and efficient conduct of business by the City Commission and all its subsidiary boards, commissions, committees, and task forces. Ms. Engbretson noted this and the other items he has been working on. She stated she would like to have a work session on the commission rules with legal counsel's input. Mayor Balensifer stated if approved, this would apply to all boards in the city. He noted that he would do the annual training for the board chairs. After further review and discussion, consensus was to move this to a business item on the next agenda.

GOOD OF THE ORDER

Commissioner Newton highlighted what the mayor has done with his Facebook page. He noted an article in the Alaska paper regarding how far ahead they are in vaccine distribution. He also noted he participated as a bell ringer for the Salvation Army and how much money was raised overall.

Mayor Balensifer noted with extension of cares act the city will be giving another round of money to CCA to help with utility bills and rent. Ms. Engbretson explained and noted the city has given \$50,000 total to help Warrenton residents. Mayor Balensifer noted the letters he and Mayor Jones, as well as the Chamber of Commerce sent to the governor. He stated he had made communication attempts with the governor's office and the state, and they have been nonresponsive. The lack of response will be brought up to the Oregon Mayors Association on Thursday. He stated the Spivey's reached out to him regarding a motor vehicle accident that happened at Triangle Park in Hammond, noting the vehicle crashed into their house. They asked if the city be willing to put up barriers or boulders, so it does not happen again. Discussion continued on reducing the speed to 35 mph at 13th. Chief Workman noted it is very difficult to get the speed changed through ODOT. Commissioner Poe suggested putting reflective material on poles to increase visibility of the curve. Chief Workman noted Commissioner Poe made a good point and stated the city should put an emphasis on ODOT to doing something. This could have been a fatal event, and this may prompt them to act. Ms. Engbretson stated staff will reach out to ODOT about the matter. Mayor Balensifer spoke about the recent king tides and suggested the installation of pumps in place of tide gates.

At 8:17 p.m., Mayor Balensifer recessed the regular meeting for 5 minutes. The meeting was reconvened at 8:26 p.m. Mayor Balensifer noted there was a miscommunication regarding Ms. Lauren's request. There was unanimous consent to reconsider the item related to the grandfather status. Mr. Hess stated the applicant has two properties which they were applying for vacation rental status; one on Honeysuckle Loop in Warrenton and one in Hammond. They applied for these at the same time; he explained that one was pending, and one was approved. The one on Honeysuckle Loop was the one that was approved and later rescinded. The one in Hammond was a dead application due to the fact that vacation rentals are not permitted. Mr. Hess stated the request from the applicant is to leave the first one (Honeysuckle Loop) as a permitted grandfathered vacation rental and to also approve the second pending application, which still

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needs to be reviewed against the homestay lodging regulations. Mr. Hess stated for the record there are no further vacation rental applications on file at this time. Mayor Balensifer stated at the pleasure of the commission on the reconsideration for the motion is to add the grandfather status to the second property; there was consensus with Commissioner Baldwin noting he would approve it with the condition that if there are problems, we can rescind it. Mayor Balensifer stated that with this being the only application on file at this time, he suggested to formally close the consideration of any further applications; the grandfather status is closed; we are formally saying there will be no more.

Commissioner Dyer made the motion to add the grandfather status to Ms. Lauren for the Fifth Avenue property, making the total of grandfather additions two. The motion was seconded. (There was no vote on this motion.)

Commissioner Baldwin made the motion to close consideration and permanently seal the consideration on any other further grandfather status of vacation rentals in the city, outside of what is provided for in the proposed code. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Baldwin – aye; Dyer – aye; Poe - aye

At 8:32 p.m. Mayor Balensifer recessed the regular meeting to conduct the Urban Renewal Agency meeting.

At 8:53 p.m. Mayor Balensifer announced the City Commission will now meet in executive session under authority of ORS 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.* He stated the Commission is not expected to go into regular session to take action on any item considered in the executive session.

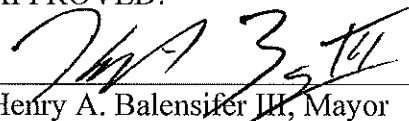
There being no further business, Mayor Balensifer adjourned the regular meeting at 9:16 p.m.

ATTEST:



Dawne Shaw, CMC, City Recorder

APPROVED:



Henry A. Balensifer III, Mayor